

# NOTICE OF EMERGENCY RULE REPEAL

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL:** DMR Regulation 95.11, Closed Area No. 500, St. George River area, Northern Penobscot Bay, AND Petit Manan Point, Steuben to the Canadian border promulgated on August 26, 2004, is REPEALED:

**TEXT OF RULE:** DMR Regulation 95.11, Closed Area No. 500, St. George River area, Northern Penobscot Bay, AND Petit Manan Point, Steuben to the Canadian border

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, or mussels from all shores, flats and territorial waters of the Maine coast north of a line extending from the south end of Gay Island, Cushing, to Howard Point, St. George; AND east of a line extending due south from a red painted post located at the site of a large satellite dish on the Cushing shore in Pleasant Point Gut to a red painted post on Gay Island.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, or mussels from all shores, flats and territorial waters of the Maine coast north of a line beginning at the north tip of Brown Head, Northport, to the north tip of Turtle Head, Islesboro; to the south tip of Dice Head, Castine.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, or mussels from all shores, flats and territorial waters of the Maine coast from Petit Manan Point, Steuben to the Canadian Border.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: August 27, 2004

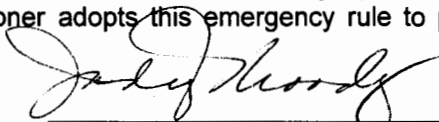
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## STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency rule, DMR Regulation 95.11, Closed Area No. 500, St. George River area, Northern Penobscot Bay, AND Petit Manan Point, Steuben to the Canadian border promulgated on August 26, 2004. Testing shows bacteria levels have returned to normal in the affected areas. The St. George River conditional area remains closed.

There are other numerous conditional area closures within the newly opened area. **All pre-existing Red tide/ PSP closures remain in effect.** The Commissioner adopts this emergency rule to prevent the taking of shellfish from the described area to protect the public health.



JUDY MOODY  
ADMINISTRATIVE OFFICER FOR GEORGE D. LAPOINTE,  
COMMISSIONER AS AUTHORIZED BY 12 MRSA SECTION 6023